

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KAINTE DESHAWN HICKEY,

Petitioner,

v.

CASE NO. 2:12-CV-14635
HON. ARTHUR J. TARNOW

MATT MACAULEY,

Respondent.

_____ /

ORDER DENYING PETITIONER'S
MOTION FOR RECONSIDERATION

This is a habeas case brought pursuant to 28 U.S.C. § 2254. Petitioner is represented by counsel. The case is currently stayed to allow Petitioner to exhaust state court remedies on his ineffective assistance of counsel claims and the case is pending before the Wayne County Circuit Court.¹ The matter is currently before the Court on Petitioner's motion for reconsideration concerning the Court's order denying his motions for summary judgment and for bond. Petitioner's motion must be denied.

¹The case before the Wayne County Circuit Court was recently stayed. Based upon a conference call with the parties, the Court believes that this was done to allow the Wayne County Conviction Integrity Unit to investigate the case.

First, as with the original motions, given that the case is stayed and administratively closed and has not yet been reopened for further review, Petitioner's motion is not properly before the Court. Second, a motion for reconsideration must be filed within 14 days after entry of the judgment or order at issue. Local Rule 7.1(h)(1). The Court denied the summary judgment and bond motions on April 5, 2021. Petitioner filed his motion for reconsideration on June 9, 2021 – long after the established time limit expired. His motion for reconsideration is therefore untimely. Third, a motion for reconsideration which presents issues already ruled upon by the district court, either expressly or by reasonable implication, will not be granted. *See Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999); *Czajkowski v. Tindall & Assoc., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). Such is the case here. The Court properly denied the motions for the reasons stated in its original order. Petitioner is in the midst of exhausting state court remedies and summary judgment and bond are not warranted. Petitioner fails to meet his burden of showing a palpable defect by which the Court has been misled or his burden of showing that a different disposition must result from a correction thereof, as required by Local Rule 7.1(h)(3). Reconsideration is not warranted.

Accordingly, for the reasons stated, the Court denies Petitioner's motion for reconsideration.

IT IS SO ORDERED.

s/Arthur J. Tarnow
ARTHUR J. TARNOW
UNITED STATES DISTRICT JUDGE

Dated: June 21, 2021